

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ALAN GOLDMAN,

Plaintiff

Civil Action No. 24-1136-SCC

v.

McCONNELL VALDÉS, LLC; ANTONIO A.
ARIAS-LARCADA, his wife MARIA BEALE, and
the Conjugal JOHN DOE; MARY DOE
SOMPO INTERNATIONAL INSURANCE
COMPANY; ENDURANCE AMERICAN
SPECIALTY INSURANCE COMPANY; AIG
INTERNATIONAL COMPANY-PUERTO RICO
Defendants

ANSWER TO THE COMPLAINT

Defendants Sampo International Insurance Company and Endurance American Specialty Insurance Company (collectively, “Sampo”),¹ by and through the undersigned attorneys, submit this answer in response to the complaint (the “Complaint”) filed against Sampo and others by Alan Goldman (“Plaintiff”). On knowledge, information, and belief, Sampo responds to the allegations contained in the Complaint as follows, with the paragraph numbers corresponding to those used in the Complaint. Each and every allegation in the Complaint not specifically admitted below is denied. The headings of this answer correspond to the headings used by Plaintiff in his Complaint and do not constitute allegations or averments by Sampo.

¹ Endurance American Specialty Insurance Company is the entity that issued the Sampo Excess Policy (defined below). Sampo International Insurance Company does not have any connection to the subject matter of this dispute and thus appears to have been improperly named as a defendant.

JURISDICTION AND VENUE

The allegations regarding jurisdiction and venue are legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

THE PARTIES

1. The allegations in paragraph 1 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 1.

2. The allegations in paragraph 2 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 2.

3. The allegations in paragraph 3 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 3.

4. The allegations in paragraph 4 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 4.

5. The allegations in paragraph 5 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 5.

6. Sompo admits that Sompo International Insurance Company and Endurance American Specialty Insurance Company are insurance companies organized under the laws of the State of New York with their principal place of place of business at 1221 Avenue of the Americas,

New York, NY 10020. Sampo admits that Endurance American Specialty Insurance Company issued Policy No. LXY30020811501 (the “Sampo Excess Policy”) to McConnell Valdes LLC (“McConnell Valdes”). Sampo denies the remaining allegations in paragraph 6 and affirmatively states that Sampo International Insurance Company has no connection to the subject matter of this action and thus appears to have been improperly named as a defendant and that the Sampo Excess Policy is a document that speaks for itself and only provides specified coverage pursuant to its terms and conditions.

7. The allegations in paragraph 7 are not directed to Sampo, and therefore no response by Sampo is required. To the extent a response is required, Sampo admits that AIG Insurance Company issued Policy No. 015 001003116-03-0000009 (the “AIG Primary Policy”) to McConnell Valdes and affirmatively states that the AIG Primary Policy is a document that speaks for itself and provides specified coverage pursuant to its terms and conditions. Sampo otherwise lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 7.

RELEVANT FACTS

8. The allegations in paragraph 8 are not directed to Sampo, and therefore no response by Sampo is required. To the extent a response is required, Sampo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 8.

9. The allegations in paragraph 9 are not directed to Sampo, and therefore no response by Sampo is required. To the extent a response is required, Sampo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 9.

10. The allegations in paragraph 10 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 10.

11. The allegations in paragraph 11 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

12. The allegations in paragraph 12 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

13. The allegations in paragraph 13 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

14. The allegations in paragraph 14 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

15. The allegations in paragraph 15 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

16. The allegations in paragraph 16 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of these allegations.

17. The allegations in paragraph 17 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of these allegations.

18. The allegations in paragraph 18 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of these allegations.

19. The allegations in paragraph 19 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 19.

20. The allegations in paragraph 20 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 20.

21. The allegations in paragraph 21 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 21.

22. The allegations in paragraph 22 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp admits that the allegations to the extent they accurately, partially quote the document attached as Exhibit 1 to the Complaint. Somp denies that the allegations in paragraph 22 fully quote the document attached as Exhibit 1 to the Complaint and denies that the bold and underline portions of the allegations in paragraph 22 are included in the document attached as Exhibit 1 to the Complaint.

23. The allegations in paragraph 23 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp admits that the

allegations to the extent they accurately, partially quote the document attached as Exhibit 2 to the Complaint. Sompo denies that the allegations in paragraph 22 fully quote the document attached as Exhibit 2 to the Complaint and denies that the bold and underline portions of the allegations in paragraph 23 are included in the document attached as Exhibit 2 to the Complaint.

24. The allegations in paragraph 24 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 24.

25. Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 25.

26. Sompo admits that the allegations in paragraph 26 to the extent they accurately, partially quote the document attached as Exhibit 3 to the Complaint. Sompo denies that the allegations in paragraph 26 fully quote the document attached as Exhibit 3 to the Complaint and denies that the bold and underline portions of the allegations in paragraph 26 are included in the document attached as Exhibit 3 to the Complaint.

27. The allegations in paragraph 27 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 27.

28. The allegations in paragraph 28 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 28.

29. To the extent the allegations in paragraph 29 are not directed to Sompo, no response by Sompo is required. To the extent the allegations in paragraph 29 are directed broadly to

“Defendants,” Sompō lacks sufficient information to form a belief as to the truth or falsity of these allegations.

30. The allegations in paragraph 30 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 30.

31. The allegations in paragraph 31 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 31.

32. The allegations in paragraph 32 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 32.

33. The allegations in paragraph 33 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 33.

34. The allegations in paragraph 34 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō admits that the allegations in paragraph 34 to the extent they accurately, partially quote the document attached as Exhibit 4 to the Complaint and otherwise lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 34.

35. The allegations in paragraph 35 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 35.

36. The allegations in paragraph 36 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo admits that the allegations in paragraph 36 to the extent they accurately, partially quote the document attached as Exhibit 5 to the Complaint and otherwise lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 36.

COUNT I – UNJUST ENRICHMENT
(AS TO MCCONNELL VALDÉS AND MR. ARIAS)

37. Sompo's responses to the allegations in the preceding paragraphs 1 through 36 are incorporated by reference as if fully set forth herein.

38. The allegations in paragraph 36 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 38.

39. The allegations in paragraph 39 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 39.

40. The allegations in paragraph 40 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 40.

41. The allegations in paragraph 41 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 41 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 41.

42. The allegations in paragraph 42 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 42 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 42.

43. The allegations in paragraph 43 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 43 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 43.

44. The allegations in paragraph 44 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 44 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 44.

45. The allegations in paragraph 45 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 45.

46. The allegations in paragraph 46 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 46 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 46.

47. The allegations in paragraph 47 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 47 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 47.

48. The allegations in paragraph 48 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 48 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 48.

49. The allegations in paragraph 49 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 49 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 49.

50. The allegations in paragraph 50 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 50 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 50.

51. The allegations in paragraph 51 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 51.

52. The allegations in paragraph 52 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 52.

53. The allegations in paragraph 53 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 53.

54. The allegations in paragraph 54 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 54 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 54.

55. The allegations in paragraph 55 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 55.

56. The allegations in paragraph 56 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 56 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 56.

57. The allegations in paragraph 57 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 57.

58. The allegations in paragraph 58 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 58.

The allegations in the WHEREFORE clause are not directed to Somo, and therefore no response by Somo is required. The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 54.

**COUNT II – BREACH OF CONTRACT-LEGAL MALPRACTICE
(AS TO MCCONNELL VALDÉS, LLC AND MR. ARIAS)**

59. Somo's responses to the allegations in the preceding paragraphs 1 through 58 are incorporated by reference as if fully set forth herein.

60. The allegations in paragraph 60 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 60.

61. The allegations in paragraph 61 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 61.

62. The allegations in paragraph 62 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 62.

63. The allegations in paragraph 63 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 63 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo

lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 63.

64. The allegations in paragraph 64 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 64 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 64.

65. The allegations in paragraph 65 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 65 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 65.

66. The allegations in paragraph 66 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 66 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 66.

67. The allegations in paragraph 67 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 67 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 67.

68. The allegations in paragraph 68 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 68.

69. The allegations in paragraph 69 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 69.

70. The allegations in paragraph 70 are not directed to Somp, and therefore no response by Somp is required. The allegations in paragraph 70 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 70.

71. The allegations in paragraph 71 are not directed to Somp, and therefore no response by Somp is required. The allegations in paragraph 71 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 71.

72. The allegations in paragraph 72 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 72.

73. The allegations in paragraph 73 are not directed to Somp, and therefore no response by Somp is required. To the extent a response is required, Somp lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 73.

74. The allegations in paragraph 74 are not directed to Sompō, and therefore no response by Sompō is required. The allegations in paragraph 74 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 74.

75. The allegations in paragraph 75 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 75.

76. The allegations in paragraph 76 are not directed to Sompō, and therefore no response by Sompō is required. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 76.

77. The allegations in paragraph 77 are not directed to Sompō, and therefore no response by Sompō is required. The allegations in paragraph 77 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 77.

78. The allegations in paragraph 78 are not directed to Sompō, and therefore no response by Sompō is required. The allegations in paragraph 78 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 78.

79. The allegations in paragraph 79 are not directed to Sompō, and therefore no response by Sompō is required. The allegations in paragraph 79 state one or more legal

conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 79.

80. The allegations in paragraph 80 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo admits the allegations in paragraph 80.

81. The allegations in paragraph 81 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 81.

82. The allegations in paragraph 82 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 82.

83. The allegations in paragraph 83 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 83 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 83.

84. The allegations in paragraph 84 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 84 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 84.

85. The allegations in paragraph 85 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 85 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 85.

86. The allegations in paragraph 86 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 86.

87. The allegations in paragraph 87 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 87.

88. The allegations in paragraph 88 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 88.

The allegations in the WHEREFORE clause are not directed to Somo, and therefore no response by Somo is required. The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in WHEREFORE clause.

COUNT III – TORTS RESULTING FROM EXTRACTIONAL FAULT/NEGLIGENCE

89. Somo's responses to the allegations in the preceding paragraphs 1 through 88 are incorporated by reference as if fully set forth herein.

90. The allegations in paragraph 90 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 90 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 90.

91. The allegations in paragraph 91 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 91 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 91.

92. The allegations in paragraph 92 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 92 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 92.

93. The allegations in paragraph 93 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 93 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 93.

94. The allegations in paragraph 94 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 94 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo

lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 94.

95. The allegations in paragraph 95 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 95 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 95.

96. The allegations in paragraph 96 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 96 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 96.

97. The allegations in paragraph 97 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 97 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 97.

98. The allegations in paragraph 98 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 98 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 98.

99. The allegations in paragraph 99 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 99 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 99.

100. The allegations in paragraph 100 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 100 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 100.

101. The allegations in paragraph 101 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 101 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 101.

102. The allegations in paragraph 102 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 102 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 102.

103. The allegations in paragraph 103 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 103 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo

lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 103.

104. The allegations in paragraph 104 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 104 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 104.

105. The allegations in paragraph 105 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 105 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 105.

106. The allegations in paragraph 106 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 106 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 106.

107. The allegations in paragraph 107 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 107 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 107.

108. The allegations in paragraph 108 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 108.

The allegations in the WHEREFORE clause are not directed to Somo, and therefore no response by Somo is required. The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in WHEREFORE clause.

COUNT IV – CAUSE OF ACTION AGAINST MCCONNELL VALDÉS, VICARIOUS LIABILITY UNDER ARTICLE 1540 OF THE PUERTO RICO CIVIL CODE

109. Somo's responses to the allegations in the preceding paragraphs 1 through 109 are incorporated by reference as if fully set forth herein.

110. The allegations in paragraph 110 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 110 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 110.

111. The allegations in paragraph 111 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 111 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 111.

112. The allegations in paragraph 112 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 112 state one or more legal

conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 112.

113. The allegations in paragraph 113 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 113 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 113.

114. The allegations in paragraph 114 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 114 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 114.

115. The allegations in paragraph 115 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 115 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 115.

116. The allegations in paragraph 116 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 116 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 116.

117. The allegations in paragraph 117 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 117 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 117.

The allegations in the WHEREFORE clause are not directed to Somo, and therefore no response by Somo is required. The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in WHEREFORE clause.

COUNT V – FAILURE TO REPORT MALPRACTICE

118. Somo's responses to the allegations in the preceding paragraphs 1 through 117 are incorporated by reference as if fully set forth herein.

119. The allegations in paragraph 119 are not directed to Somo, and therefore no response by Somo is required. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 119.

120. The allegations in paragraph 120 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 120 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Somo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 120.

121. The allegations in paragraph 121 are not directed to Somo, and therefore no response by Somo is required. The allegations in paragraph 121 state one or more legal

conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 121.

122. The allegations in paragraph 122 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 122 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 122.

123. The allegations in paragraph 123 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 123 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 123.

124. The allegations in paragraph 124 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 124 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 124.

125. The allegations in paragraph 125 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 125 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 125.

126. The allegations in paragraph 126 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 126 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 126.

127. The allegations in paragraph 127 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 127 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 127.

128. The allegations in paragraph 128 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 128 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 128.

129. The allegations in paragraph 129 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 129 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 129.

130. The allegations in paragraph 130 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 130 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo

lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 130.

131. The allegations in paragraph 131 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 131 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 131.

132. The allegations in paragraph 132 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 132 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 132.

133. The allegations in paragraph 133 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 133 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 133.

134. The allegations in paragraph 134 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 134 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 134.

135. The allegations in paragraph 135 are not directed to Sompó, and therefore no response by Sompó is required. To the extent a response is required, Sompó lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 135.

The allegations in the WHEREFORE clause are not directed to Sompó, and therefore no response by Sompó is required. The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompó lacks sufficient information to form a belief as to the truth or falsity of the allegations in WHEREFORE clause.

COUNT VI – UNDER THE PUERTO RICO INSURANCE CODE

136. Sompó's responses to the allegations in the preceding paragraphs 1 through 135 are incorporated by reference as if fully set forth herein.

137. The allegations in paragraph 137 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompó denies the allegations in paragraph 137.

138. The allegations in paragraph 138 are not directed to Sompó, and therefore no response by Sompó is required. The allegations in paragraph 138 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompó lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 138.

139. The allegations in paragraph 138 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompó lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 139.

140. Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 140.

The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo denies the allegations in the WHEREFORE clause and denies that Plaintiff is entitled to any relief from Sompo.

COUNT VII – AS TO ALL COUNTS, THE ACTUAL DAMAGES

141. Sompo's responses to the allegations in the preceding paragraphs 1 through 140 are incorporated by reference as if fully set forth herein.

142. The allegations in paragraph 142 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 142 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 142.

143. The allegations in paragraph 143 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 143 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 143.

144. The allegations in paragraph 144 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 144 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo

lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 144.

145. The allegations in paragraph 145 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 145 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 145.

146. The allegations in paragraph 146 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 146 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 146.

147. The allegations in paragraph 147 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompo lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 147.

148. The allegations in paragraph 148 are not directed to Sompo, and therefore no response by Sompo is required. To the extent a response is required, Sompo admits that the allegations to the extent they accurately, partially quote the document attached as Exhibit 1 to the Complaint. Sompo denies that the allegations in paragraph 148 fully quote the document attached as Exhibit 1 to the Complaint and denies that the bold and underline portions of the allegations in paragraph 148 are included in the document attached as Exhibit 1 to the Complaint

149. The allegations in paragraph 149 are not directed to Sompo, and therefore no response by Sompo is required. The allegations in paragraph 149 state one or more legal

conclusions that do not require a responsive pleading. To the extent a response is required, Sompō lacks sufficient information to form a belief as to the truth or falsity of the allegations in paragraph 149.

150. The allegations in paragraph 150 state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompō denies the allegations in paragraph 150.

151. The allegations in paragraph 151 are a jury trial demand that requires no responsive pleading.

The allegations in the WHEREFORE clause state one or more legal conclusions that do not require a responsive pleading. To the extent a response is required, Sompō denies the allegations in the WHEREFORE clause and denies that Plaintiff is entitled to any relief from Sompō.

AFFIRMATIVE DEFENSES

Sompō asserts the following affirmative defenses to the Complaint. By pleading these affirmative defenses, Sompō does not intend to alter the burden of proof and/or persuasion that otherwise exists with respect to any issues in this action. All affirmative defenses are pled in the alternative and do not constitute an admission of liability or an admission that Plaintiff is entitled to any relief whatsoever.

First Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff's claim against Sampo may be barred or limited by the provisions of the AIG Primary Policy and/or the Sampo Excess Policy (collectively, the "Policies"), and Sampo reserves the right to rely on all terms, conditions, exclusions, endorsements, and/or provisions of the Policies, whether or not raised in this Answer, and to assert any and all defenses to coverage at law or in equity.

Third Affirmative Defense

To the extent the Sampo Excess Policy provides coverage, such coverage would not be available without exhaustion of the full limits of liability provided by the AIG Primary Policy.

Fourth Affirmative Defense

To the extent the Sampo Excess Policy provides coverage, such coverage would be limited by the \$5 million limit of liability under the Sampo Excess Policy.

Fifth Affirmative Defense

Except as otherwise stated in the Sampo Excess Policy, it provides coverage on the same terms as the AIG Primary Policy, and Sampo therefore joins and incorporates by reference the affirmative defenses raised by AIG in its Answer to the Complaint.

Sixth Affirmative Defense

Plaintiff's claim against Sampo may be barred or limited by the definition of "Damages" in the AIG Primary Policy, which expressly does not include "fines, penalties, or any form of criminal sanction, non-pecuniary relief, taxes, or the return of, or reimbursement for legal fees, costs, or expenses, or any other matter which is deemed to be uninsurable by law governing the policy or subject jurisdiction."

Seventh Affirmative Defense

Plaintiff's claim against Somo may be barred or limited to the extent the insuring agreement in the AIG Primary Policy is not triggered.

Eighth Affirmative Defense

Plaintiff's claim against Somo is subject to and/or conditioned upon the liability of insured(s) under the Somo Excess Policy, and Somo joins and incorporates by reference the affirmative defenses raised by McConnell Valdes and Antonio Arias in their Answer to the Complaint.

Ninth Affirmative Defense

Somo reserves the right to amend and/or add any other affirmative defenses or causes of action arising from discovery in this case.

WHEREFORE, Defendants Somo International Insurance Company and Endurance American Specialty Insurance Company demand judgment dismissing the Complaint for Damages in its entirety, or alternatively, judgment limiting Somo International Insurance Company's and Endurance American Specialty Insurance Company's liability pursuant to the foregoing, together with all other relief which may be just and proper.

In San Juan, Puerto Rico, this 15th day of October 2024.

I HEREBY CERTIFY that on this date I have uploaded a pdf copy of this document this Court's CM/ECF system, which will send a notice of electronic filing to the parties of record in the captioned case, through their attorneys of record.

Respectfully submitted,

S/ FRANCISCO E. COLÓN-RAMÍREZ

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